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10/723,085	11/26/2003	Joseph S. Glider	ARC920030081US1	7870
7590		08/19/2009	EXAMINER	
Frederick W. Gibb, III McGinn & Gibb, PLLC Suite 304 2568-A Riva Road Annapolis, MD 21401			WEL,ZHENG	
		ART UNIT	PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: JOSEPH S. GLIDER and ARCHANA S. SAMTANI

Application No. 10/723,085
Technology Center 2100

Mailed: August 18, 2009

Before ERIC W. HAWTHORNE, *Supervisory Paralegal Specialist*
HAWTHORNE, *Supervisory Paralegal Specialist*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on March 24, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S ANSWER, GROUNDS OF REJECTION

A review of the file finds that the grounds of rejection of the claims as provided in the Examiner's Answer mailed October 29, 2008 under the heading "Grounds of Rejection" is not consistent with the grounds of rejection of claims set

forth in the last Office action of record. The grounds of rejection of the claims as provided in the Examiner's Answer must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. Each Grounds of rejection to be reviewed on appeal must be identified and any new grounds of rejection must be provided under a separate heading "New Grounds of Rejection" in the Examiner's Answer and must include the approval of the TC Director or his/her designee. *See also Manual of Patent Examining Procedure* (MPEP) § 1207.02 and 1207.03 (8th ed. Rev. 6, Sept 2007) for details.

Specifically, the Examiner's Answer sets forth rejection of claims 1-5, 7-11, 13, and 15-19 under 35 U.S.C. § 103(a); whereas the last Office Action, including any mailed Advisory Action(s) finds that claims 2-5, 8-11, and 16-19 also stand rejected under 35 U.S.C. § 112, second paragraph. The Examiner does not indicate the status nor address the rejection of Claims 2-5, 8-11, and 16-19 under 35 U.S.C. § 112, second paragraph, in the Examiner's Answer filed October 29, 2008. Correction of all grounds of rejection for all claims is required.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to issue a new Examiner's Answer setting forth the correct grounds of rejection of all claims as set forth in the Examiners Final Rejection of March 4, 2008;
- 2) to correct other sections of the Answer as may be required; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

EWH/Klh

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